IFW

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

Docket No.: 241103US2RD DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/635,508
Applicants: Hiroaki YODA, et al.
Filing Date: August 7, 2003
For: MAGNETIC HEAD, METHOD FOR PRODUCING SAME, AND MAGNETIC RECORDING AND/OR REPRODUCING SYSTEM
Group Art Unit: 3729
Examiner: Tugbang, Anthony D.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of **$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Registration No. 28.870

W. Todd Baker
Registration No. 45,265

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
I:\ATTY\WTB\0039\241103US\PTO CVR LTR 01-13-06.DOC

DOCKET NO: 241103US2RD DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
HIROAKI YODA, ET AL.	:	EXAMINER: TUGBANG, ANTHONY
SERIAL NO: 10/635,508	:	
FILED: AUGUST 7, 2003	:	GROUP ART UNIT: 3729
FOR: MAGNETIC HEAD, METHOD FOR PRODUCING SAME, AND MAGNETIC RECORDING AND/OR REPRODUCING SYSTEM	:	

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Communication dated December 13, 2005, Applicants respectfully elect, with traverse, Group I, Claims 8 and 9.

The Office has required restriction between Claims 8 and 9, and Claim 10. The Restriction Requirement is respectfully traversed because the Office has not established that the inventions of Groups I and II are distinct, and because the Office has not established that searching the entire application would impose a serious burden.

Applicants traverse the outstanding election requirement on the grounds that it has not been established that it would be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, an election is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding election requirement has

not established that examining each of the currently-pending claims together would result in an undue burden.

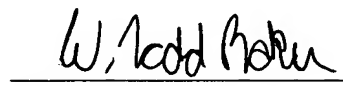
M.P.E.P. § 803 specifically states:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Further, the outstanding election requirement has not established that the inventions of Groups I and II are distinct. The restriction requirement merely asserts that the invention of Group I is a separately usable process from the invention of Group I, but has not explained why that is the case. Thus, each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

W. Todd Baker
Registration No. 45,265

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\WTB\0039\241103US\RESP TO RESTRICTION REQ 01-13-06.DOC